



National Transportation Safety Board

Washington, D.C. 20594

Safety Recommendation

LD9H-531D

Date: June 5, 1989

In reply refer to: H-89-19

Honorable Robert Farris
Administrator
Federal Highway Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

About 11:25 a.m. eastern standard time on November 29, 1988, a chartered intercity bus carrying a driver and 49 passengers en route to Atlantic City, New Jersey, from New York City, New York, was traveling southbound in the right "express" lane of the New Jersey Garden State Parkway, near Tinton Falls, New Jersey. The bus, without signaling, gradually veered rightward off the travel lane, sideswiped a guardrail, skidded back onto the highway, overturned onto its right side, and slid about 220 feet diagonally across the two express lanes before coming to rest facing east with the rear of the bus across half of the left travel lane. There was no intrusion into the occupant compartment, no other vehicles were involved in the accident, and there was no fire.¹ Forty-nine passengers (ages 60 to 85 years) and the 39-year-old busdriver sustained minor to severe injuries such as fractured ribs, lacerations, abrasions, and contusions.

The busdriver claimed on his Leisure Time employment application to have driven commercial buses and cars since 1978. This information, however, was not supported by information supplied by previous employers. The busdriver also gave a "No" answer as to whether or not his license, permit, or privilege had ever been suspended or revoked. In fact, the State of New York temporarily suspended his privilege to drive from November 17, 1986, to April 21, 1987, for failing to answer a June 4, 1986, summons concerning a violation for failing to keep to the right. While he was under suspension, the busdriver drove commuter runs for Metro Apple Express. His driving privilege was restored after he paid the assessed fines. Leisure Time officials indicated they were not aware of the suspension at the time they hired the busdriver and were processing the busdriver's application. They indicated that they had made telephone calls, sent inquiries to the applicant's previous employers, and had not received a copy of the applicant's driving record. According to 49 CFR 391.23, the motor carrier

¹For more detailed information, read Highway Accident/Incident Reports-- "Intercity-Type Buses Chartered for Service to Atlantic City, New Jersey" (NTSB/HAR-89/01/SUM).

is permitted to obtain this information within 30 days after the applicant is hired. However, current Federal and State regulations do not require a response from an applicant's previous employers or that the motor carrier follow up in cases where no response is received.

The Safety Board believes that the busdriver's employment record reflects a lack of job stability. In addition, the driver had not been adequately trained to operate an intercity bus. Had Leisure Time performed a thorough review of his employment history in a more timely manner than that afforded by the Federal regulations, the company may have recognized his limitations and either attempted to provide him with training or discontinued his employment.

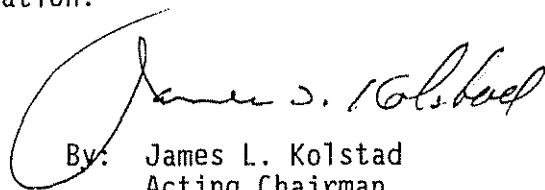
The Safety Board is concerned that in the four accidents it investigated involving commercially chartered bus trips to or from Atlantic City (Carney's Point in 1986, Middletown Township in 1987, and Little Egg Harbor Township and Tinton Falls in 1988), the performance of the busdriver was a common element in the cause of those accidents. The Carney's Point, Middletown Township, and Tinton Falls accidents involved busdriver inattention, while the Little Egg Harbor Township accident involved busdriver impairment due to illicit drugs. In each of these accidents, the busdrivers had been recently hired (less than 1-year service time). In two of the accidents, had the motor carriers performed a more thorough and timely screening of the busdriver's qualifications, they may not have hired the drivers, or they may have provided the drivers additional training or monitoring. Consequently, increased emphasis needs to be placed on performing terminal inspections to make certain that motor carriers who operate in New Jersey are properly selecting and monitoring recently hired busdrivers.

Therefore, the National Transportation Safety Board recommends that the Federal Highway Administration:

Amend 49 CFR 391.23 to require operators of commercial passenger-carrying motor vehicles to obtain pertinent information, i.e., previous employment history, driving records, driving experience, and training, and to determine that the applicants are fully qualified and adequately trained, before permitting them to operate commercial passenger-carrying vehicles. (Class II, Priority Action) (H-89-19)

Also, as a result of its investigation, the Safety Board issued Safety Recommendation H-89-15 to Leisure Time, Inc.; H-89-16 to the United Bus Owners of America and the American Bus Association; H-89-17 to the National Highway Traffic Safety Administration; and H-89-18 to the New Jersey Department of Transportation.

KOLSTAD, Acting Chairman, and BURNETT, LAUBER, NALL, and DICKINSON,
Members, concurred in this recommendation.



By: James L. Kolstad
Acting Chairman

